



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.8921 of 2021
and
W.M.P(MD)No.6721 of 2021

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Nagarkoil Zone,
Ranithottam, Nagerkoil,
Kanyakumari District.

...Petitioner

Vs

General Secretary,
The State Transport Employees Union,
CITU 4KKM,
Ranithottam, Nagerkoil.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorari**, by calling for the records relating to the impugned order passed by the Labour Court, Tirunelveli, dated 21.10.2019, passed in I.D.No.36 of 2018, quash the same.

For Petitioner : M/s.R.Rajamohan

For Respondent : Mr.S.Arunachalam

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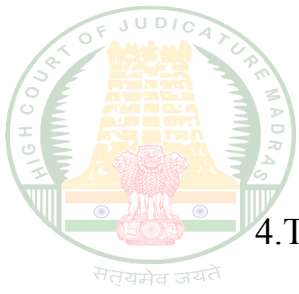
ORDER

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The Management of the Tamil Nadu State Transport Corporation, Nagercoil Zone, Kanyakumari District, has filed the present writ petition challenging an award passed by the Labour Court, Tirunelveli, in I.D.No.36 of 2018.

2.The petitioner herein who was working as a Driver of the respondent Transport Corporation was issued with a charge memo on 02.03.2015, for involving himself in a fatal accident. After conducting domestic enquiry, the charges as against the Driver were found to be proved and the Management has chosen to impose the punishment of postponement of the increment for the period of three years with cumulative effect.

3.This punishment was challenged by the Union under 2K proceedings before the Labour Court by raising an Industrial Dispute in I.D.No.36 of 2018. The Labour Court after going through the domestic enquiry report, has arrived at a specific finding that the enquiry report is perverse in nature and has proceeded to set aside the order of punishment. Challenging the same, the present Writ Petition has been filed.



4.The order of the imposition of the punishment was passed on 21.01.2017. The workmen has attained superannuation on 30.04.2017.

Therefore, the order of the imposition of postponement of increment could not be impleaded by the petitioner Management. The Management has passed an order on 12.04.2017, seeking to recover the unimplemented portion of the increment cut as against the petitioner from his terminal benefits. This order was put to challenge in W.P(MD)No.7988 of 2017, before this Court. This Court was pleased to allow the Writ Petition on 14.02.2023, and issued a direction to the Transport Corporation to disburse the terminal benefits without deducting a sum of Rs.1,25,280/- which represents the unimplemented increment cut. This order has attained finality.

5.In view of the above said facts, the order of the Labour Court does not call for any further interference by this Court.

6.Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

12.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

RJR

To

The learned Judge,
Labour Court, Tirunelveli.

W.P.(MD)No.8921 of 2021

12.06.2025